

**Remarks**

Claims 1-13 are pending in this action. Claims 1-9 and 13 stand rejected. Claims 10-12 are objected to but contain allowable subject matter. By this amendment claims 6, 7 and 10 have been amended and new claims 14-20 have been added. Applicants respectfully request reconsideration of all pending claims herein.

**Claim Rejections - 35 U.S.C. § 103(a)**

The Examiner rejected claims 1-2 and 13 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,361,255 issued to Diaz, et al. in view of U.S. Patent No. 6,195,335 issued to Calvignac, et al. The Examiner also rejected claims 3-9 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,361,255 issued to Diaz, et al. in view of U.S. Patent No. 6,195,335 issued to Calvignac, et al. and in further view of U.S. Patent No. 6,449,274 issued to Holden.

With respect to the rejection of claims 1, 2 and 13, the Examiner stated that it would have been obvious to one of ordinary skill in the art to provide a small amount of memory located at a crosspoint to store the packet to be switched.

Applicants respectfully submit that U.S. Patent No. 6,195,335 issued to Calvignac, et al. should not be applied because Calvignac and the invention claimed herein are owned by the same person (namely, International Business Machines, Inc.) under 35 U.S.C. § 103(c). In addition, Applicants claim a foreign priority date (Dec. 28, 2000) that is prior to the issuance of Calvignac (Feb. 27, 2001). As such, Calvignac should not be combined with Diaz to preclude patentability of Applicants' claims. Applicants also note the Examiner has acknowledged Applicants' claim of foreign priority and receipt of certified copies of the priority documents in the Summary section of the present office action.

In addition, Applicants respectfully traverse the Examiner's assertion that protecting the

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address of the port in the packet header with CRC and validating that the destination address specifies the correct output port is common practice in the art. Applicants do not disclose a method of providing a cyclic redundancy check to validate the header information, nor does it necessarily follow that Applicants' invention must use such a check, particularly considering the latency penalty associated with a CRC. The Examiner must provide evidence to support an appeal to common sense and basic knowledge. MPEP §2144.03C. Therefore, Applicants respectfully submit that the rejection of claims 1-2 and 13 under 35 U.S.C. § 103(a) has been overcome and claims 1, 2 and 13 are in condition for allowance.

In regard to the rejection of claims 3-9, the Examiner cited Diaz in view of Calvignac and in further view of Holden, stating that it would have been obvious to a person of ordinary skill in the art, at the time of invention, to have a self-routing crossbar packet switch with a small amount of memory at the crosspoint; and have input buffer control and input cell storage separated from the switching function.

For the reasons stated above, Calvignac should not be applied to Applicants' claims and therefore should not be combined with Diaz and Holden. Moreover, Holden teaches away from the present invention in that it discloses a memory-less ATM switch element architecture that is inapposite to Applicants' invention, which claims a switch element incorporating a memory block at each crosspoint within the switch. (Applicants' Specification, Para. 0027, Fig 3.) Applicants respectfully submit that Holden expressly teaches a memory-less switch element architecture that can support multiple modes of operation. (Holden, Col 2, lines 53-59.) Namely, the switch architecture disclosed by Holden combines a memory-less operation mode for handling unicast traffic with a distributed memory mode for handling multicast traffic. (Holden, Col. 2, lines 53-59; Col. 6, lines 10-19) Applicants respectfully submit that the multicast buffer elements described in Holden are implemented within input and output routing tables (IRT, ORT) that are external to the switch element. (Holden, Col. 4, lines 44-52; Fig. 1, Ref. No. 122.) Accordingly, Holden teaches

away from Applicants' invention and should not be combined with Diaz and Calvignac. As such, Applicants respectfully submit that no prima facie case of obviousness has been established. Therefore, Applicants respectfully submit that the rejection of claims 3-9 under 35 U.S.C. § 103(a) has been overcome and claims 3-9 are in condition for allowance.

Inasmuch as dependent claims 6 and 7 do not completely reflect the phrasing of several terms, Applicants have amended claims 6 and 7 to more clearly state the function of the input expansion block. Specifically, Applicants have modified the terms "down module" and down switch module to "down stream switch module," and modified "up switch module" to "up stream switch module." Applicants have also amended claim 10 to include the limitations of claim 1 and intervening claims 2, 3, 8 and 9. Claims 11 and 12 depend on claim 10, as amended. Therefore, Applicants respectfully submit that the rejection of claims 1-9 and 13 under 35 U.S.C. § 103(a) has been overcome and all the claims are in condition for allowance.

**Prior Art Made of Record**

The prior art made of record by the Examiner and not relied upon, i.e. Agrawal (U.S. Patent No. 5,636,210); Sakuri, et al. (U.S. Patent No. 5,285,444); and Henrion (U.S. Patent No. 5,237,565), have been reviewed and Applicants respectfully submit that the references cited do not anticipate or suggest the elements of pending independent claim 1 and independent claim 10, as amended, and new claims 14-20.

**Allowable Subject Matter**

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claims 10-12.

The Examiner objected to claims 10-12 as being dependent upon rejected base claims, but indicated claims 10-12 would be allowable if rewritten in independent form with all the limitations of the base claim and any intervening claims. Applicants respectfully submit that claim 10 has been amended to include the limitations of independent claim 1 and intervening claims 2, 3, 8 and 9. Accordingly, claims 11 and 12 depend on claim 10, as amended, and claims 10-12 should now be considered allowable. Therefore, Applicants have overcome the Examiner's objections to claims 10-12.

**Conclusion**

Based on the foregoing, it is respectfully submitted that the pending claims in the subject patent application are in condition for allowance and that the application may be passed to issuance.

The Examiner is urged to call the undersigned at the number listed below if, in the Examiner's opinion, such a phone conference would aid in furthering the prosecution of this application.

Respectfully submitted,

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